

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

CHARLES B. PHILLIPS,

Plaintiff,

vs.

VA ADMINISTRATION EAST CLINIC, *et al.*,

Defendants.

Case No. 2:15-cv-02024-LDG-GWF

**ORDER**

This matter is before the Court on Defendant's Sheriff Joseph Lombardo, Officer Jeremy McCrimmon, and Officer Kevin Collmar's (collectively the "LVMPD Defendants") Motion to Strike (ECF No. 105), filed on July 6, 2016. Defendant Kevin Hagerty, DC filed a Joinder (ECF No. 106) on July 7, 2016.

To date, Plaintiff has not responded to this motion and the time for opposition has now passed. Local Rule 7-2(d) states in pertinent part, that "[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion." As a result, the Court will grant the present motion.

In addition, Federal Rule of Civil Procedure 12(f) provides that "a court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." The LVMPD Defendants argue that Plaintiff's Declaration of Rights Biven Agent / Motion of Interim Status Reports LR 26-3 / And Quo (ECF No. 102) is "confusing, irrelevant and immaterial to [Plaintiff's] case as it has no purpose and requests no proper relief." *Motion to Strike* (ECF No. 105), pg. 2, lns. 20–21. The Court agrees. Accordingly,

...

...

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge